

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MAXWELL SHOE COMPANY, INC.,

Plaintiff,

v.

EDELMAN SHOE COMPANY, LLC and
SAM EDELMAN,

Defendants.

Civil Action No. 04-10694 RCL

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

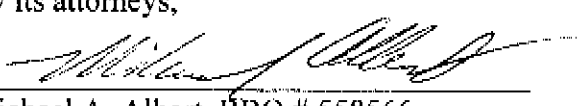
Pursuant to Fed. R. Civ. P. 65(a), Plaintiff Maxwell Shoe Company, Inc. moves that the Court enter a preliminary injunction, in the form attached hereto as a proposed order, enjoining Defendants from using the trademarks SAMMY E or SAM BY SAM EDELMAN, or any other trademark that is confusingly similar to Plaintiff's incontestable federally registered trademark SAM & LIBBY®.

In support whereof, Plaintiff relies upon the Memorandum of Law and the Declaration of Roger Monks, filed herewith.

Respectfully submitted,
MAXWELL SHOE COMPANY, INC.,

By its attorneys,

Dated: April 6, 2004


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the following documents were served upon the parties listed below:

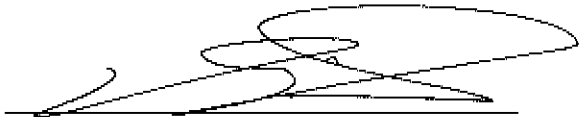
1. COMPLAINT AND JURY DEMAND
2. PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION with
[PROPOSED] PRELIMINARY INJUNCTION ORDER
3. PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS
MOTION FOR PRELIMINARY INJUNCTION
4. DECLARATION OF ROGER MONKS

By Hand Delivery to Registered Service Agent on April 7, 2004

Edelman Shoe Company LLC
c/o Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808

By Certified Express Mail mailed on April 6, 2004

Sam Edelman
11 Old Stage Coach Road
Ridgefield, CT 06877


Ilan N. Barzilay